0-2017-023

CITY OF ALBUQUERQUE CITY COUNCIL

INTEROFFICE MEMORANDUM

TO:

Richard J. Berry, Mayor

FROM:

Jon K. Zaman, Director of Council Services

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. O-17-54 Amending The Albuquerque Impact Fee Ordinance Relating To Encumbrance Of Funds (Jones), which was passed at the Council meeting of September 18, 2017, by a vote of 8 FOR AND 0 AGAINST.

Excused: Benton

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:dm Attachment 9/19/2017

CITY of ALBUQUERQUE TWENTY SECOND COUNCIL

| C | OUNC | IL BILL NO O-17-54 ENACTMENT NO |
|--|------|---|
| | | ORED BY: Trudy E. Jones |
| | 1 | ORDINANCE |
| | 2 | AMENDING THE ALBUQUERQUE IMPACT FEE ORDINANCE RELATING TO |
| | 3 | ENCUMBRANCE OF FUNDS. |
| | 4 | BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF |
| | 5 | ALBUQUERQUE: |
| | 6 | Section 1. Section 14-19-3, the "DEFINITIONS" Section of the Impact Fee |
| | 7 | Ordinance, is amended to change the definition of "Encumbered" as follows: |
| | 8 | "ENCUMBERED. Impact fee funds committed for a specified capital |
| | 9 | improvement on a specified time schedule which does not exceed seven years |
| | 10 | from the date of payment of the impact fees, and as further defined in and for |
| [Bracketed/Underscored Material] - New [Bracketed/Strikethrough Material] - Deletion | 11 | the purposes of Section 14-19-19(J)(7)(c)." |
| | 12 | Section 2. Section 14-19-19(J)(7)(c) of the Impact Fee Ordinance is |
| | 13 | amended as follows: |
| | . 14 | "(c) The city shall, upon request from the credit-holder of excess credits, |
| | 15 | after acceptance by the city of the project creating credits, provide |
| De N | 16 | reimbursements for excess credits on a first in, first out basis and shall not be |
| SCOC | 17 | obligated to provide reimbursements in the event there is no unencumbered |
| ders | 18 | account balance in the city's impact fee account for the appropriate service |
| | 19 | category and service area. For purposes of this section, the balance in any |
| [Bracketed/Unracketed/Strike | 20 | impact fee account shall be deemed to be encumbered if reserved for a capital |
| ack ket ket ket ket ket ket ket ket ket ke | 21 | improvement project(s) listed and identified on the CCIP for the service |
| [Brae | 22 | category and service area for that particular account, without regard to |
| | 23 | whether impact fees collected for that particular account are sufficient to |
| | 24 | complete any approved project. This recognizes that funding from the |
| | 25 | collection of impact fees is a cumulative process and generally no single |
| | 26 | funding event provides adequate funding for a project. Construction of those |

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| | | meantime, impact fees collected are committed to the completion of projects |
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| | 2 | on the CCIP." |
| | 3 | Section 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence, |
| | 4 | clause, word or phrase of this ordinance is for any reason held to be invalid or |
| | 5 | unenforceable by any court of competent jurisdiction, such decision shall not |
| | 6 | affect the validity of the remaining provisions of this ordinance. The Council |
| | 7 | hereby declares that it would have passed this ordinance and each section, |
| | 8 | paragraph, sentence, clause, word or phrase thereof irrespective of any |
| | 9 | provisions being declared unconstitutional or otherwise invalid. |
| | 10 | Section 4. COMPILATION. The amendments set forth in Sections 1 and 2 |
| | 11 | above shall amend, be incorporated in and made part of the Revised |
| | 12 | Ordinances of Albuquerque, New Mexico, 1994. |
| | 13 | Section 5. EFFECTIVE DATE. This ordinance shall take effect five days |
| | 14 | after publication by title and general summary. |
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| | 1 | PASSED AND ADOPTED THIS <u>18th</u> DAY OF <u>September</u> , 2017 |
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| | 2 | BY A VOTE OF: 8 FOR 0 AGAINST. |
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| | 4 | Excused: Benton |
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| | 8 | Isaac Benton, President |
| | 9 | City Council |
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| 1 | 11 | 211 0-11 |
| 1 | 12 | APPROVED THIS 3td DAY OF October, 2017 |
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| 1 | 16 | Bill No. O-17-54 |
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| | 20 | Richard J. Berry Mayor |
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| 9 5 2 0 0 2 | 27 | Natalie Y. Howard, City Clerk |
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